

REMARKS

Claims 1-16 remain in the application unamended, and claims 17-33 are new. New independent claim 17 claims a moving mechanism for moving the slot door from a closed position to an open position and a rotating mechanism for rotating the slot door from an open position to a cleaning position. Support for new claim 17 can be found on pages 5-6 and Figs. 5-7 of the application as filed. No new matter has been introduced. Similarly, support for claims 18-33 can be found on pages 4-7 and Figs. 1-7 of the application as filed and thus, no new matter has been introduced.

The Examiner rejected independent claim 1 and dependent claims 2 and 10-16 under 35 *U.S.C.* § 102(b) as being “clearly” anticipated by U.S. Patent No. 5,892,200 (“Kendall et al.”). Applicants respectfully traverse the rejections of claims 1-2 and 10-16. In support of this rejection, the Examiner asserted that each of claims 1-2 and 10-16 invoke 35 *U.S.C.* § 112, ¶ 6 “because each means plus function language is construed to encompass statements of intended use.” By asserting that each of these claims recite “means for” language which the Examiner has interpreted as invoking § 112, ¶ 6, Applicants understand that, when rendering a patentability determination, these claims are to be construed so as not to disregard the structure disclosed in the specification corresponding to such “means for” language.

Applicants respectfully submit that it appears that the Examiner has improperly applied Kendall et al. to claims 1-2 and 10-16, and more specifically to the means-plus-function limitations of claims 1-2 and 10-16, as described in the specification. In interpreting the means-plus-function language of the claims, “one must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof.” *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994). In contradistinction to such holdings, the Examiner has stated that Kendall et al. anticipate claims 1-2 and 10-16 and has not provided any explanation as to how Kendall et al. may read on any of the limitations of claims 1-2 and 10-16, and more specifically, any of the “means for” limitations.

Applicants respectfully submit that claims 1-2 and 10-16 are not anticipated by Kendall et al. Independent claim 1 claims a “moving means for moving the slot door in a direction transverse to the slot” and a “rotating means for rotating the door as it is moved transverse to the slot.” (emphasis added). In contrast, Kendall et al. disclose a transfer port system wherein two

sterile environments, each having a respective door, are docked together with the doors being connected by a vacuum seal. *Col. 1 lines 1-10; Col. 3 lines 24-42*. The docking is performed by moving one of the sterile environments (including its door) on a “carriage adapted to ride on tracks leading up to [the other] sterile environment.” *Col. 3 lines 27-32*. In other words, Kendall et al. disclose moving an entire sterile environment (not just the door) to abut the other sterile environment such that their doors are aligned and in contact. *Figs. 1-2; Col. 3 lines 28-32*. Accordingly, Kendall et al. fail to disclose the function of moving either door “in a direction transverse to the slot” as claimed in claim 1. Moreover, Kendall et al. further disclose that once connected, the doors then rotate as a unit into one of the sterile environments. *Figs. 1-2; Col. 3 lines 28-32*. Thus, Kendall et al. also fail to disclose the function of rotating either door “as it is moved transverse to the slot” as claimed in claim 1. (emphasis added). Accordingly, Kendall et al. fail to disclose each and every limitation recited in independent claim 1 and thus, claim 1 is not anticipated by Kendall et al.

Claims 2 and 10-16 each depend either directly or indirectly from independent claim 1. Thus, for at least the foregoing reasons, Applicants respectfully submit that dependent claims 2 and 10-16 are also not anticipated by Kendall et al.

In addition, Kendall et al. fail to disclose that the “moving means engages a pivot of the door” as claimed in dependent claim 10. Kendall et al. disclose that “sterile environment 3 is provided with a carriage adapted to ride in tracks leading up to sterile environment 2.” *Col. 3 lines 24-32*. Thus, the carriage and tracks appear to be external to the sterile environment and therefore unable to contact the pivot which is internal to the sterile environment. (see *Figs. 1-2*). Accordingly, for this further reason, claim 10 is not anticipated by Kendall et al.

Kendall et al. also fail to disclose that “the pivot is connected to the door towards one end thereof so as to cause the other end of the door to swing away from the chamber” as claimed in dependent claim 11 (see *Figs. 1-2* of Kendall et al. which show that the pivot is attached to the center of one of the doors). Thus, for these further reasons, claim 11 is also not anticipated by Kendall et al.

In addition, Kendall et al. fail to disclose that the “pivot passes through an aperture formed in the moving means” as claimed in dependent claim 12. As discussed above with respect to claim 10, the pivot apparently does not contact the carriage and tracks (see *Figs. 1-2* and *Col. 3 lines 24-32*). Accordingly, the pivot does not pass “through an aperture formed in the moving

means” as claimed in claim 12. Thus, Kendall et al. do not anticipate claim 12 for this further reason.

Kendall et al. also fail to disclose arranging the moving means to “move the pivot at a constant rate during both rotational and non-rotational movement of the door” as claimed in dependent claim 13. Thus, dependent claim 13 is not anticipated by Kendall et al. for this further reason.

Moreover, Kendall et al. do not anticipate dependent claim 14 because Kendall et al. do not disclose that “the moving means comprises means for raising and lowering the door” as claimed in claim 14. (emphasis added). Indeed, as mentioned above with respect to claim 10, Kendall et al. disclose a carriage and tracks for brining the doors together and then the doors are rotated. The carriage and tracks simply do not raise and lower the doors as claimed in dependent claim 14. Accordingly, Kendall et al. do not disclose each and every element of dependent claim 14.

Kendall et al. also do not disclose “isolating at least part of the moving means from ambient atmosphere” as claimed in dependent claim 15. Kendall et al. disclose that sterile environment 3 is moved toward sterile environment 2 on a carriage and tracks. Kendall et al. fail to disclose that the carriage and tracks are isolated from the ambient atmosphere. Thus, for this further reason, dependent claim 15 is not anticipated by Kendall et al.

Accordingly, for these further reasons, dependent claims 2 and 10-16 are not anticipated by Kendall et al.

The Examiner rejected claims 3-9 under 35 U.S.C. § 103(a) as being unpatentable over Kendall et al. in view of U.S. Patent No. 6,392,182 (“Hosaka”). Applicants respectfully traverse this rejection and seek favorable reconsideration in view of the following remarks. The Examiner acknowledged that Kendall et al. do not disclose a “cam rotating means.” *Office Action*, page 3. The Examiner further stated that Hosaka discloses a cam rotating means and that it would have been obvious to one of ordinary skill in the art to combine Kendall et al. with the cam rotating means of Hosaka to allow the for “operation in a rotating manner.” *Office Action*, page 3.

Applicants respectfully submit that claims 3-9 are not obvious in view of Kendall et al. either alone or in combination with Hosaka. Claim 3 claims that the “rotating means comprises a cam attached to the door for engaging a curved guide to cause the door to rotate.” As acknowledged by the Examiner (see *Office Action*, page 3), Kendall et al. fail to teach the

claimed cam rotating means, that is, the rotating means for rotating the door comprising a cam attached to the door for engaging a curved guide to cause the door to rotate. Hosaka teaches that “Cam followers are attached to the handle levers” and a “roller is provided on the other end of the cam follower.” *Col. 3 lines 65-66; Col. 4 lines 5-6*. However, Hosaka fails to teach a cam attached to the door for rotating the door as it is moved transverse to the slot as claimed in claim 3. (see *Figs. 3 and 5-6; Col. 3 lines 65-66; Col. 4 lines 5-6*). Rather, although Hosaka appears to teach an “upper limit position” and a “lower limit position” for vertically opening and closing the door (see *Figs. 4-6; Col. 3 lines 27-31*), Hosaka does not teach or even suggest that the cam causes the door to rotate as claimed in claim 3. Applicants respectfully submit that Kendall et al. and Hosaka et al., either alone or in combination, do not achieve or render obvious the invention as claimed in claim 3.

Moreover, it would not have been obvious to one of ordinary skill in the art to employ the handle with cam follower of Hosaka in the apparatus of Kendall et al. Hosaka teaches a work tank having a manual mechanism for opening and closing a door to the work tank. The manual mechanism includes a manually operated handle having a cam follower that glides along on a roller. *Figs. 3 and 5-6; Col. 3 lines 41-49 and 64-67; Col. 4 lines 1-8*. Hosaka fails to disclose or even suggest rotating the door by any mechanism. In contrast to Hosaka, Kendall et al. disclose two doors for two sterile environments that are docked together by means of a vacuum and then pivoted together through rotation of a stub shaft and crank-like members. *Figs. 1-2 and 4; Col. 3 lines 43-65*. One would not have been motivated to use Hosaka’s handle with cam follower for opening and closing the doors to the sterile environments of Kendall et al. Indeed, the handle with cam follower vertically opens and closes the door to the work tank (see *Figs. Figs. 3 and 5-6*). However, the doors in Kendall et al. are brought together on a carriage and tracks, sealed, and then rotated as a unit within the sterile environment. *Figs. 1-2; Col. 3 lines 27-29*. Applicants respectfully submit that one would not be motivated to break the seal to a sterile environment in order to manually move or rotate the doors. Accordingly, Hosaka teaches away from Kendall et al. and one of ordinary skill in the art would not be motivated to combine the teachings of Kendall et al. and Hosaka. Thus, for these further reasons, claim 3 is not rendered obvious by Kendall et al. and Hosaka, either alone or in combination.

In addition, rejected claim 4 is also not rendered obvious by Kendall et al. in view of Hosaka. Claim 4 claims that the “moving means is arranged to move the door from a first closed

position to a second open position at which the cam engages the guide.” Hosaka teaches a mechanism whereby the manual handle forms a cam follower which does not appear to separate from the roller, regardless of whether the door is opened or closed (see *Figs. 3 and 5-6*). Thus, assuming arguendo that Hosaka were combinable with Kendall et al., the combination would not achieve a moving means arranged to move the door from a closed position to an “open position at which the cam engages the guide.” Accordingly, claim 4 is not rendered obvious in view of Kendall et al. and Hosaka, either alone or in combination. Similarly, claims 5-9, which depend from claim 4, are also not rendered obvious by Kendall et al. either alone or in combination with Hosaka.

In view of the foregoing remarks, rejected claims 3-9 are not rendered obvious in view of Kendall et al., either alone or in combination with Hosaka.

Applicants have also added new independent claim 17 and new dependent claims 18-33. Applicants submit that new claims 17-33 are neither anticipated nor rendered obvious by Kendall et al. and Hosaka, either alone or in combination. Accordingly, Applicants respectfully request favorable consideration of new claims 17-33.

In view of the foregoing remarks, Applicants respectfully submit that claims 1-33 are neither anticipated nor rendered obvious in view of Kendall et al. or Hosaka, either alone or in combination. Accordingly, Applicants respectfully submit that claims 1-33 are allowable and that the application be allowed and promptly passed to issue.

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